

TENTATIVE AGENDA  
**STATE WATER CONTROL BOARD MEETING**  
 THURSDAY, SEPTEMBER 22, 2011  
 AND FRIDAY, SEPTEMBER 23, 2011

House Room C  
 General Assembly Building  
 9th and Broad Streets  
 Richmond, VA 23219

CONVENE - 9:30 A.M. Both Days

**TAB**

- |            |  |          |
|------------|--|----------|
| <b>I.</b>  | <b>Minutes</b> (August 4, 2011)                                    | A        |
| <b>II.</b> | <b>Final Regulations</b>   |          |
|            | Biosolids Program Regulations (9VAC25-20, 9VAC25-31 and 9VAC25-32) | Zahradka |
|            | Memorandum and List of TAC Members                                 | B        |
|            | Public Comments and Response to Comments                           | C        |
|            | Changes Made Since Proposed Stage                                  | D        |
|            | Project 1248 - Text of Amendments                                  | E        |

**[NOTE: BOARD CONSIDERATION OF THE BIOSOLIDS PROGRAM REGULATION ITEM IS EXPECTED TO TAKE THE MAJORITY OF THE FIRST DAY OF THE MEETING. THE REMAINDER OF THE AGENDA MAY BE DELAYED UNTIL THE SECOND DAY OF THE MEETING]**

- |             |   |               |   |
|-------------|---|---------------|---|
|             | General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges in the Chesapeake Bay Watershed (9VAC25-820) | Brockenbrough | F |
|             | Water Quality Management Planning Regulation - FCWSA-Vint Hill WWTP Nitrogen Waste Load Allocation (9VAC25-720-50 C)                      | Kennedy       | G |
| <b>III.</b> | <b>Proposed Regulations</b>   |               |   |
|             | General VPDES Permit Regulation for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194)   | Daub          | H |
| <b>IV.</b>  | <b>Consent Special Orders (VPDES Permit Program)</b>  | O'Connell     | I |
|             | Piedmont Regional Office  |               |   |
|             | E.I. DuPont de Nemours and Company (Chesterfield Co.))  |               |   |
|             | Omega Protein, Inc. (Northumberland Co.)  |               |   |
|             | ROCKTENN CP, LLC (West Point)   |               |   |
|             | Timothy D. Ogburn d/b/a/ Dinwiddie Car Wash (Dinwiddie Co.)   |               |   |
|             | Tidewater Regional Office   |               |   |
|             | Southampton Co. Town of Boykins WTP   |               |   |
|             | Valley Regional Office  |               |   |
|             | Fluvanna Co. School Board   |               |   |
| <b>V.</b>   | <b>Consent Special Orders (VWP Permit Program/ Wetlands/Ground Water Permit Program)</b>  | O'Connell     | J |
|             | Northern Regional Office  |               |   |
|             | Four Seasons at Historic Virginia (Prince William Co.)  |               |   |
|             | Valley Regional Office  |               |   |
|             | Charlottesville Albemarle Airport Authority   |               |   |

<b>VI.</b>	<b>Consent Special Orders (Oil)</b> Piedmont Regional Office Kenan Transport (Henrico Co.)	O'Connell	K
<b>VII.</b>	<b>Consent Special Orders (Other)</b> Piedmont Regional Office W. Harold Talley II, LLC (Surry Co.) Tidewater Regional Office Duplin Marketing, LLC Valley Regional Office Route 240, LLC (Albemarle Co.)	O'Connell	L
<b>VIII.</b>	<b>Public Forum</b>		
<b>IX.</b>	<b>Other Business</b>	Gills Davenport	M
	Revolving Loan Fund - 2012 Loan Funding List		
	Division Director's Report Future Meetings (Confirm October 21, December 8-9)		

## ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to the staff contact listed below.

**PUBLIC COMMENTS AT STATE WATER CONTROL BOARD MEETINGS:** The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for its consideration.

For **REGULATORY ACTIONS (adoption, amendment or repeal of regulations)**, public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For **CASE DECISIONS (issuance and amendment of permits)**, the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is an additional comment period, usually 45 days, during which the public hearing is held.

In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

**REGULATORY ACTIONS:** Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

**CASE DECISIONS:** Comments on pending case decisions at Board meetings are accepted only when the staff initially presents the pending case decision to the Board for final action. At that time the Board will allow up to 5 minutes for the

applicant/owner to make his complete presentation on the pending decision, unless the applicant/owner objects to specific conditions of the decision. In that case, the applicant/owner will be allowed up to 15 minutes to make his complete presentation. The Board will then allow others who commented during the public comment period (i.e., those who commented at the public hearing or during the public comment period) up to 3 minutes to respond to the summary of the prior public comment period presented to the Board. No public comment is allowed on case decisions when a FORMAL HEARING is being held.

**POOLING MINUTES:** Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

**NEW INFORMATION** will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances, new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. In the case of a regulatory action, should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

**PUBLIC FORUM:** The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda, pending regulatory actions or pending case decisions. Those wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Cindy M. Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4378; fax (804) 698-4346; e-mail: cindy.berndt@deq.virginia.gov.